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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,074	02/27/2004	Dennis S. Greywall	34	7287
75	90 12/12/2006		EXAM	INER
Docket Administrator (Room 3J-219)			LAZORCIK, JASON L	
Lucent Technologies Inc. 101 Crawfords Corner Road		ART UNIT	PAPER NUMBER	
Holmdel, NJ 07733-3030			1731	
			DATE MAILED: 12/12/2000	6 .

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)		
	10/789,074	GREYWALL, DENNIS S.	GREYWALL, DENNIS S.	
Office Action Summary	Examiner	Art Unit		
	Jason L. Lazorcik	1731		
The MAILING DATE of this communication				
Period for Reply	•	·		
A SHORTENED STATUTORY PERIOD FOR RI WHICHEVER IS LONGER, FROM THE MAILIN - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communicatio - If NO period for reply is specified above, the maximum statutory p - Failure to reply within the set or extended period for reply will, by s Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUNION FR 1.136(a). In no event, however, may a report of the control of the c	CATION. poly be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).		
Status				
1) Responsive to communication(s) filed on	27 February 2004	•		
	This action is non-final.			
3) Since this application is in condition for all		ers, prosecution as to the merits is	•	
closed in accordance with the practice und				
·				
Disposition of Claims		•		
4)⊠ Claim(s) <u>1-41</u> is/are pending in the applica				
4a) Of the above claim(s) is/are with	ndrawn from consideration.	•		
5) Claim(s) is/are allowed.				
6) Claim(s) is/are rejected.				
7) Claim(s) is/are objected to.				
8) Claim(s) <u>1-41</u> are subject to restriction and	d/or election requirement.			
Application Papers	•		٠.	
9) The specification is objected to by the Exa	miner.			
10) The drawing(s) filed on is/are: a)	accepted or b) objected to	by the Examiner.		
Applicant may not request that any objection to	the drawing(s) be held in abeyar	ce. See 37 CFR 1.85(a).		
Replacement drawing sheet(s) including the co	prrection is required if the drawing	s) is objected to. See 37 CFR 1.121(d)).	
11)☐ The oath or declaration is objected to by th	e Examiner. Note the attached	Office Action or form PTO-152.		
Priority under 35 U.S.C. § 119				
12) ☐ Acknowledgment is made of a claim for for	eign priority under 35 U.S.C. 8	119(a)-(d) or (f)		
a) ☐ All b) ☐ Some * c) ☐ None of:	eigh phonty under 55 c.c.c. 5	113(a) (d) 31 (1).		
1.☐ Certified copies of the priority documents	nents have been received			
2. Certified copies of the priority documents		onlication No		
3. Copies of the certified copies of the		,		
application from the International Bu	•	rosorvou in timo rvational otago		
* See the attached detailed Office action for a		received		
Attachment(s)				
1) Notice of References Cited (PTO-892)		ummary (PTO-413)		
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)/Mail Date Iformal Patent Application		
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of in 6) Other:			
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-22, 26-28, and 40-41, drawn to a method of aligning carbon particles entrained in glass by drawing, classified in class 065, subclass 442.
- II. Claims 23-25 and 29-39, drawn to a fiber containing glass and carbon, classified in class 264, subclass 108.

The inventions are distinct, each from the other because of the following reasons:

Inventions (I) and (II) are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the inventive product could be formed by a materially different process such as by injection molding.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species: 1) a glass fiber containing carbon particles, 2) a plurality of carbon particles

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with at least some glass fibers, 3) a glass-carbon particle fiber, 4) a carbon particle fiber. The species are independent or distinct because <u>as claimed</u>, each species differs in structure, composition, and/or materials of fabrication to such an extent as to render each of said species non-obvious variants over every other claimed species.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

A telephone call was made to Eugene Rosenthal on December 7, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL

ERIC HUG
PRIMARY EXAMINER

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